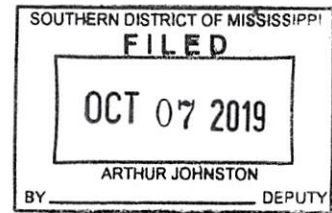


TRULINCS 10579062 - STILLEY, OSCAR AMOS - Unit: YAZ-G-A

FROM: 10579062  
TO:  
SUBJECT: 2241\_Stilley1MtnChangeDefs  
DATE: 10/03/2019 01:05:54 PM



\* UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

OSCAR STILLEY, DOJ-FBOP # 10579-062

PLAINTIFF

V. 3:19-CV-6 HTW-LRA

WILLIAM BARR, ET AL

DEFENDANTS

PLAINTIFF'S MOTION FOR

- 1) SUBSTITUTION OF SUCCESSOR PUBLIC OFFICIALS; AND
- 2) EXTENSION OF TIME FOR THE COMPLETION OF SERVICE OF PROCESS

Comes now Plaintiff Oscar Stilley (Plaintiff) and for his motion states:

1. The following 3 official capacity defendants have been replaced. William Barr has replaced Matthew Whitaker as US Attorney General; Kathleen Hawk Sawyer has replaced Hugh Hurwitz as Director of the Department of Justice-Federal Bureau of Prisons (DOJ-FBOP); and David Paul has replaced M. Martin as Complex Warden of the FCC Yazoo City Federal Prison Complex.
2. The clerk declined to issue summons for David Paul, on grounds that he was not listed on the caption of the complaint. Plaintiff neglected to explain that he was a successor public official. Public officials are automatically substituted for a predecessor in office, with or without motion. FRCivP 25(d). Plaintiff respectfully suggests that an order would be proper and beneficial in the instant case.
3. Plaintiff has sent a cover letter to the clerk, along with this motion, explaining the situation, submitting additional summons for issuance and asking that they be returned in a self addressed stamped envelope. Plaintiff sees no need to ask relief in this regard, as he has no reason to doubt the clerk would accept his explanation and provide service.
4. Plaintiff requests an extension of 90 days, for the completion of service. Plaintiff will act with all deliberate speed, regardless of the length of extension, inasmuch as his liberty is at stake, and he has good reason to be expeditious.
5. Plaintiff upon examination of a copy of the complaint that he prevailed upon a friend in the Arkansas bar to download on his behalf, and determined that a page is missing, specifically Exhibit 68, page 112 using the Plaintiff's numbering of exhibit pages. Plaintiff is supplying a copy of this page to each of the defendants with their summons and complaint. Plaintiff is also supplying a copy to the clerk, and asking the clerk to take corrective action sufficient to make the publicly accessible record conform to the document submitted for filing. Plaintiff sees no need to ask relief at the present time, but does think that the court should be aware, and that any hard copies in the possession of court or court personnel should be made to conform to the electronic version, and with the complaint and exhibits as tendered to the Clerk for filing.

WHEREFORE, Plaintiff respectfully requests that the Court order that the 3 successor official capacity defendants be substituted in place of the predecessor office holders; that the court extend the time for service by 90 days; and for such other and further relief as may be appropriate whether or not specifically requested.

)  
)  
By: 

Oscar Stilley  
FCC Yazoo City Camp  
PO Box 5000  
Yazoo City, MS 39194

10-3-19  
Date

TRULINCS 10579062 - STILLEY, OSCAR AMOS - Unit: YAZ-G-A

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CERTIFICATE OF SERVICE TOGETHER WITH COMPLAINT

Plaintiff by his signature above pursuant to 28 USC 1746 declares that, because the Defendants have not yet entered appearance and commenced receiving pleadings via CM/ECF, will be served with a copy of this pleading at the same time they are served with the summons, complaint with exhibits, cover letter, Exhibit "68", and acknowledgment of service form. Due to logistical complexities the exact date of mailing cannot be precisely determined.